

AMENDED IN ASSEMBLY MARCH 24, 2003

AMENDED IN ASSEMBLY MARCH 17, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Yee
(Coauthors: Assembly Members Diaz, Lieber, and Spitzer)

February 6, 2003

An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to translators and interpreters.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Yee. Translators and interpreters: prohibition on use of children.

Existing law requires, and in some instances permits, the use of translators or interpreters by various agencies, organizations, or entities

for non-English-speaking *or deaf* persons in connection with various functions.

This bill would provide that a state or local governmental agency, or a public or private agency, organization, entity, or program that is ~~supported by~~ *receives* state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, except as specified, and would require each agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for provided competent interpretation services, as defined, that does not involve the use of children.

This bill would also provide that a violation of this section by a nongovernmental public or private agency, organization, entity, or program that is ~~supported by~~ *receives* state funding ~~shall~~ *may* result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program and would establish requirements for the reinstatement of funding.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In cases in which parents are monolingual and non-English
4 speakers, *or deaf*, it has become all too common for service
5 providers to use children as ~~translators~~ *interpreters* for their
6 parents. Nongovernmental agencies, state agencies, hospitals,
7 clinics, and law enforcement agencies have all used children as
8 ~~translators~~, *interpreters*, often because the use of children provides
9 an immediate solution to communication problems with the
10 children's non-English-speaking *or deaf* parents.

11 (b) Children should not be exposed to discussions and
12 information that is often beyond their comprehension, or to
13 discussions and information that are inappropriate for, or
14 unseemly to, children.

15 (c) The involvement of children as ~~translators~~ *interpreters* is
16 difficult, both for the children and for the associated adults, and
17 may lead to an agency, organization, entity, or program being



1 misinformed as a result of a child's ignorance or shame. The
2 involvement of children as ~~translators~~ *interpreters* can also be
3 traumatizing to the children.

4 (d) It is the intent of the Legislature to prohibit the use of
5 children as ~~translators~~ *interpreters* by any state or local
6 governmental agency, or any agency, organization, entity, or
7 program that ~~is supported by~~ *receives* state funding.

8 SEC. 2. Section 36 is added to the Business and Professions
9 Code, to read:

10 36. (a) Subject to subdivision (e), a state or local
11 governmental agency, or a public or private agency, organization,
12 entity, or program that receives state funding, may not use any
13 child, or permit any child to be used, as a translator or interpreter
14 in any matter involving the business or function of that agency,
15 organization, entity, or program, and shall have in place, and
16 available for inspection, an established procedure for providing
17 competent interpretation services that does not include the use of
18 children.

19 (b) A violation of this section by a nongovernmental public or
20 private agency, organization, entity, or program that is supported
21 by state funding ~~shall~~ *may* result in the loss of state funding to, or
22 the cancellation of state contracts with, that agency, organization,
23 entity, or program.

24 (c) State funding or any contract terminated pursuant to
25 subdivision (b) shall not be reinstated until the state agency
26 providing the state funding has determined that the agency,
27 organization, entity, or program has done both of the following:

28 (1) Terminated the use of children as translators or interpreters.

29 (2) Established procedures to ensure that children will not be
30 utilized as translators or interpreters by the agency, organization,
31 entity, or program.

32 (d) The State Personnel Board may conduct investigations and
33 take all reasonable actions to effectuate the purposes of this section
34 with respect to state agencies.

35 (e) Nothing in this section shall prohibit an agency,
36 organization, entity, or program from using a child to interpret in
37 any of the following situations:

38 (1) To help determine a limited-English-proficient person's
39 primary language.

40 (2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including *those involving* office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) “Child” means a person who is under the age of 18 years.

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 3. Section 21.5 is added to the Civil Code, to read:

21.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding ~~shall~~ *may* result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing that state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Established procedures to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including *those involving* office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 4. Section 33.5 is added to the Code of Civil Procedure, to read:

33.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing

1 competent interpretation services that does not include the use of
2 children.

3 (b) A violation of this section by a nongovernmental public or
4 private agency, organization, entity, or program that is supported
5 by state funding ~~shall~~ *may* result in the loss of state funding to, or
6 the cancellation of state contracts with, that agency, organization,
7 entity, or program.

8 (c) State funding or any contract terminated pursuant to
9 subdivision (b) shall not be reinstated until the state agency
10 providing the state funding has determined that the agency,
11 organization, entity, or program has done both of the following:

12 (1) Terminated the use of children as translators or interpreters.

13 (2) Established procedures to ensure that children will not be
14 utilized as translators or interpreters by the agency, organization,
15 entity, or program.

16 (d) The State Personnel Board may conduct investigations and
17 take all reasonable actions to effectuate the purposes of this section
18 with respect to state agencies.

19 (e) Nothing in this section shall prohibit an agency,
20 organization, entity, or program from using a child to interpret in
21 any of the following situations:

22 (1) To help determine a limited-English-proficient person's
23 primary language.

24 (2) To help ensure the receipt of language assistance.

25 (3) During routine and casual queries, including *those*
26 *involving* office hours or directions, or other matters that do not
27 involve the actual provision of the services of the business, or the
28 function of the agency, organization, entity, or program.

29 (4) During emergency situations affecting the immediate life,
30 safety, health, or welfare of an individual when there are no other
31 alternatives immediately available, so long as a competent
32 interpreter is provided as soon as possible.

33 (f) For purposes of this section:

34 (1) "Child" means a person who is under the age of 18 years.

35 (2) "Established procedure for providing competent
36 interpretation" means the provision of an in-person interpreter or
37 bilingual staff member, or, at a minimum, a telephonic-based
38 interpretation service or other interpretation resources that can be
39 easily used by staff members to communicate effectively with
40 limited-English-proficient *or deaf* persons. A state agency shall

1 include a description of these procedures in its implementation
2 plan submitted to the State Personnel Board pursuant to Section
3 7299.4 of the Government Code.

4 SEC. 5. Article 8 (commencing with Section 95) is added to
5 Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code,
6 to read:

7
8 Article 8. Translators and Interpreters
9

10 95. (a) Subject to subdivision (e), a state or local
11 governmental agency, or a public or private agency, organization,
12 entity, or program that receives state funding, may not use any
13 child, or permit any child to be used, as a translator or interpreter
14 in any matter involving the business or function of that agency,
15 organization, entity, or program, and shall have in place, and
16 available for inspection, an established procedure for providing
17 competent interpretation services that does not include the use of
18 children.

19 (b) A violation of this section by a nongovernmental public or
20 private agency, organization, entity, or program that is supported
21 by state funding ~~shall~~ *may* result in the loss of state funding to, or
22 the cancellation of state contracts with, that agency, organization,
23 entity, or program.

24 (c) State funding or any contract terminated pursuant to
25 subdivision (b) shall not be reinstated until the agency,
26 organization, entity, or program has done both of the following:

- 27 (1) Terminated the use of children as translators or interpreters.
28 (2) Established procedures to ensure that children will not be
29 utilized as translators or interpreters by the agency, organization,
30 entity, or program.

31 (d) The State Personnel Board may conduct investigations and
32 take all reasonable actions to effectuate the purposes of this section
33 with respect to state agencies.

34 (e) Nothing in this section shall prohibit an agency,
35 organization, entity, or program from using a child to interpret in
36 any of the following situations:

- 37 (1) To help determine a limited-English-proficient person's
38 primary language.
39 (2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including *those involving* office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) “Child” means a person who is under the age of 18 years.

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 6. Section 755.6 is added to the Evidence Code, to read:

755.6. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding ~~shall~~ *may* result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Established procedures to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including *those involving* office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 7. Part 8 (commencing with Section 296) is added to Division 2 of the Family Code, to read:

PART 8. TRANSLATORS AND INTERPRETERS

296. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter

1 in any matter involving the business or function of that agency,
2 organization, entity, or program, and shall have in place, and
3 available for inspection, an established procedure for providing
4 competent interpretation services that does not include the use of
5 children.

6 (b) A violation of this section by a nongovernmental public or
7 private agency, organization, entity, or program that is supported
8 by state funding ~~shall~~ *may* result in the loss of state funding to,
9 or the cancellation of state contracts with, that agency,
10 organization, entity, or program.

11 (c) State funding or any contract terminated pursuant to
12 subdivision (b) shall not be reinstated until the state agency
13 providing the state funding has determined that the agency,
14 organization, entity, or program has done both of the following:

15 (1) Terminated the use of children as translators or interpreters.

16 (2) Established procedures to ensure that children will not be
17 utilized as translators or interpreters by the agency, organization,
18 entity, or program.

19 (d) The State Personnel Board may conduct investigations and
20 take all reasonable actions to effectuate the purposes of this section
21 with respect to state agencies.

22 (e) Nothing in this section shall prohibit an agency,
23 organization, entity, or program from using a child to interpret in
24 the following situations:

25 (1) To help determine a limited-English-proficient person's
26 primary language.

27 (2) To help ensure the receipt of language assistance.

28 (3) During routine and casual queries, including *those*
29 *involving* office hours or directions, or other matters that do not
30 involve the actual provision of the services of the business, or the
31 function of the agency, organization, entity, or program.

32 (4) During emergency situations affecting the immediate life,
33 safety, health, or welfare of an individual when there are no other
34 alternatives immediately available, so long as a competent
35 interpreter is provided as soon as possible.

36 (f) For the purposes of this section:

37 (1) "Child" means a person who is under the age of 18 years.

38 (2) "Established procedure for providing competent
39 interpretation" means the provision of an in-person interpreter or
40 bilingual staff member, or, at a minimum, a telephonic-based

1 interpretation service or other interpretation resources that can be
2 easily used by staff members to communicate effectively with
3 limited-English-proficient *or deaf* persons. A state agency shall
4 include a description of these procedures in its implementation
5 plan submitted to the State Personnel Board pursuant to Section
6 7299.4 of the Government Code.

7 SEC. 8. Section 27 is added to the Government Code, to read:

8 27. (a) Subject to subdivision (e), a state or local
9 governmental agency, or a public or private agency, organization,
10 entity, or program that receives state funding, may not use any
11 child, or permit any child to be used, as a translator or interpreter
12 in any matter involving the business or function of that agency,
13 organization, entity, or program, and shall have in place, and
14 available for inspection, an established procedure for providing
15 competent interpretation services that does not include the use of
16 children.

17 (b) A violation of this section by a nongovernmental public or
18 private agency, organization, entity, or program that is supported
19 by state funding ~~shall~~ *may* result in the loss of state funding to, or
20 the cancellation of state contracts with, that agency, organization,
21 entity, or program.

22 (c) State funding or any contract terminated pursuant to
23 subdivision (b) shall not be reinstated until the state agency
24 providing the state funding has determined that the agency,
25 organization, entity, or program has done both of the following:

26 (1) Terminated the use of children as translators or interpreters.

27 (2) Established procedures to ensure that children will not be
28 utilized as translators or interpreters by the agency, organization,
29 entity, or program.

30 (d) The State Personnel Board may conduct investigations and
31 take all reasonable actions to effectuate the purposes of this section
32 with respect to state agencies.

33 (e) Nothing in this section shall prohibit an agency,
34 organization, entity, or program from using a child to interpret in
35 any of the following situations:

36 (1) To help determine a limited-English-proficient person's
37 primary language.

38 (2) To help ensure the receipt of language assistance.

39 (3) During routine and casual queries, including *those*
40 *involving* office hours or directions, or other matters that do not

1 involve the actual provision of the services of the business, or the
2 function of the agency, organization, entity, or program.

3 (4) During emergency situations affecting the immediate life,
4 safety, health, or welfare of an individual when there are no other
5 alternatives immediately available, so long as a competent
6 interpreter is provided as soon as possible.

7 (f) For the purposes of this section:

8 (1) “Child” means a person who is under the age of 18 years.

9 (2) “Established procedure for providing competent
10 interpretation” means the provision of an in-person interpreter or
11 bilingual staff member, or, at a minimum, a telephonic-based
12 interpretation service or other interpretation resources that can be
13 easily used by staff members to communicate effectively with
14 limited-English-proficient *or deaf* persons. A state agency shall
15 include a description of these procedures in its implementation
16 plan submitted to the State Personnel Board pursuant to Section
17 7299.4.

18 SEC. 9. Section 29 is added to the Health and Safety Code, to
19 read:

20 29. (a) Subject to subdivision (e), a state or local
21 governmental agency, or a public or private agency, organization,
22 entity, or program that receives state funding, may not use any
23 child, or permit any child to be used, as a translator or interpreter
24 in any matter involving the business or function of that agency,
25 organization, entity, or program, and shall have in place, and
26 available for inspection, an established procedure for providing
27 competent interpretation services that does not include the use of
28 children.

29 (b) A violation of this section by a nongovernmental public or
30 private agency, organization, entity, or program that is supported
31 by state funding ~~shall~~ may result in the loss of state funding to, or
32 the cancellation of state contracts with, that agency, organization,
33 entity, or program.

34 (c) State funding or any contract terminated pursuant to
35 subdivision (b) shall not be reinstated until the state agency
36 providing the state funding has determined that the agency,
37 organization, entity, or program has done both of the following:

38 (1) Terminated the use of children as translators or interpreters.

(2) Established procedures to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including *those involving* office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 10. Section 49 is added to the Insurance Code, to read:

49. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing

1 competent interpretation services that does not include the use of
2 children.

3 (b) A violation of this section by a nongovernmental public or
4 private agency, organization, entity, or program that is supported
5 by state funding ~~shall~~ *may* result in the loss of state funding to, or
6 the cancellation of state contracts with, that agency, organization,
7 entity, or program.

8 (c) State funding or any contract terminated pursuant to
9 subdivision (b) shall not be reinstated until the state agency
10 providing the state funding has determined that the agency,
11 organization, entity, or program has done both of the following:

12 (1) Terminated the use of children as translators or interpreters.

13 (2) Established procedures to ensure that children will not be
14 utilized as translators or interpreters by the agency, organization,
15 entity, or program.

16 (d) The State Personnel Board may conduct investigations and
17 take all reasonable actions to effectuate the purposes of this section
18 with respect to state agencies.

19 (e) Nothing in this section shall prohibit an agency,
20 organization, entity, or program from using a child to interpret in
21 any of the following situations:

22 (1) To help determine a limited-English-proficient person's
23 primary language.

24 (2) To help ensure the receipt of language assistance.

25 (3) During routine and casual queries, including *those*
26 *involving* office hours or directions, or other matters that do not
27 involve the actual provision of the services of the business, or the
28 function of the agency, organization, entity, or program.

29 (4) During emergency situations affecting the immediate life,
30 safety, health, or welfare of an individual when there are no other
31 alternatives immediately available, so long as a competent
32 interpreter is provided as soon as possible.

33 (f) For purposes of this section:

34 (1) "Child" means a person who is under the age of 18 years.

35 (2) "Established procedure for providing competent
36 interpretation" means the provision of an in-person interpreter or
37 bilingual staff member, or, at a minimum, a telephonic-based
38 interpretation service or other interpretation resources that can be
39 easily used by staff members to communicate effectively with
40 limited-English-proficient *or deaf* persons. A state agency shall

1 include a description of these procedures in its implementation
2 plan submitted to the State Personnel Board pursuant to Section
3 7299.4 of the Government Code.

4 SEC. 11. Section 30 is added to the Labor Code, to read:

5 30. (a) Subject to subdivision (e), a state or local
6 governmental agency, or a public or private agency, organization,
7 entity, or program that receives state funding, may not use any
8 child, or permit any child to be used, as a translator or interpreter
9 in any matter involving the business or function of that agency,
10 organization, entity, or program, and shall have in place, and
11 available for inspection, an established procedure for providing
12 competent interpretation services that does not include the use of
13 children.

14 (b) A violation of this section by a nongovernmental public or
15 private agency, organization, entity, or program that is supported
16 by state funding ~~shall~~ may result in the loss of state funding to, or
17 the cancellation of state contracts with, that agency, organization,
18 entity, or program.

19 (c) State funding or any contract terminated pursuant to
20 subdivision (b) shall not be reinstated until the state agency
21 providing the state funding has determined that the agency,
22 organization, entity, or program has done both of the following:

23 (1) Terminated the use of children as translators or interpreters.

24 (2) Established procedures to ensure that children will not be
25 utilized as translators or interpreters by the agency, organization,
26 entity, or program.

27 (d) The State Personnel Board may conduct investigations and
28 take all reasonable actions to effectuate the purposes of this section
29 with respect to state agencies.

30 (e) Nothing in this section shall prohibit an agency,
31 organization, entity, or program from using a child to interpret in
32 any of the following situations:

33 (1) To help determine a limited-English-proficient person's
34 primary language.

35 (2) To help ensure the receipt of language assistance.

36 (3) During routine and casual queries, including *those*
37 *involving* office hours or directions, or other matters that do not
38 involve the actual provision of the services of the business, or the
39 function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) “Child” means a person who is under the age of 18 years.

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 12. Section 24.5 is added to the Penal Code, to read:

24.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding ~~shall~~ *may* result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Established procedures to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) The State Personnel Board may conduct investigations and take all reasonable actions to effectuate the purposes of this section with respect to state agencies.

(e) Nothing in this section shall prohibit an agency, organization, entity, or program from using a child to interpret in any of the following situations:

(1) To help determine a limited-English-proficient person's primary language.

(2) To help ensure the receipt of language assistance.

(3) During routine and casual queries, including *those involving* office hours or directions, or other matters that do not involve the actual provision of the services of the business, or the function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) "Child" means a person who is under the age of 18 years.

(2) "Established procedure for providing competent interpretation" means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 13. Chapter 5 (commencing with Section 1070) is added to Part 1 of Division 3 of the Probate Code, to read:

CHAPTER 5. TRANSLATORS AND INTERPRETERS

1070. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing

1 competent interpretation services that does not include the use of
2 children.

3 (b) A violation of this section by a nongovernmental public or
4 private agency, organization, entity, or program that is supported
5 by state funding ~~shall~~ *may* result in the loss of state funding to, or
6 the cancellation of state contracts with, that agency, organization,
7 entity, or program.

8 (c) State funding or any contract terminated pursuant to
9 subdivision (b) shall not be reinstated until the state agency
10 providing the state funding has determined that the agency,
11 organization, entity, or program has done both of the following:

12 (1) Terminated the use of children as translators or interpreters.

13 (2) Established procedures to ensure that children will not be
14 utilized as translators or interpreters by the agency, organization,
15 entity, or program.

16 (d) The State Personnel Board may conduct investigations and
17 take all reasonable actions to effectuate the purposes of this section
18 with respect to state agencies.

19 (e) Nothing in this section shall prohibit an agency,
20 organization, entity, or program from using a child to interpret in
21 any of the following situations:

22 (1) To help determine a limited-English-proficient person's
23 primary language.

24 (2) To help ensure the receipt of language assistance.

25 (3) During routine and casual queries, including *those*
26 *involving* office hours or directions, or other matters that do not
27 involve the actual provision of the services of the business, or the
28 function of the agency, organization, entity, or program.

29 (4) During emergency situations affecting the immediate life,
30 safety, health, or welfare of an individual when there are no other
31 alternatives immediately available, so long as a competent
32 interpreter is provided as soon as possible.

33 (f) For purposes of this section:

34 (1) "Child" means a person who is under the age of 18 years.

35 (2) "Established procedure for providing competent
36 interpretation" means the provision of an in-person interpreter or
37 bilingual staff member, or, at a minimum, a telephonic-based
38 interpretation service or other interpretation resources that can be
39 easily used by staff members to communicate effectively with
40 limited-English-proficient *or deaf* persons. A state agency shall

1 include a description of these procedures in its implementation
2 plan submitted to the State Personnel Board pursuant to Section
3 7299.4 of the Government Code.

4 SEC. 14. Section 22 is added to the Unemployment Insurance
5 Code, to read:

6 22. (a) Subject to subdivision (e), a state or local
7 governmental agency, or a public or private agency, organization,
8 entity, or program that receives state funding, may not use any
9 child, or permit any child to be used, as a translator or interpreter
10 in any matter involving the business or function of that agency,
11 organization, entity, or program, and shall have in place, and
12 available for inspection, an established procedure for providing
13 competent interpretation services that does not include the use of
14 children.

15 (b) A violation of this section by a nongovernmental public or
16 private agency, organization, entity, or program that is supported
17 by state funding ~~shall~~ *may* result in the loss of state funding to, or
18 the cancellation of state contracts with, that agency, organization,
19 entity, or program.

20 (c) State funding or any contract terminated pursuant to
21 subdivision (b) shall not be reinstated until the state agency
22 providing the state funding has determined that the agency,
23 organization, entity, or program has done both of the following:

24 (1) Terminated the use of children as translators or interpreters.

25 (2) Established procedures to ensure that children will not be
26 utilized as translators or interpreters by the agency, organization,
27 entity, or program.

28 (d) The State Personnel Board may conduct investigations and
29 take all reasonable actions to effectuate the purposes of this section
30 with respect to state agencies.

31 (e) Nothing in this section shall prohibit an agency,
32 organization, entity, or program from using a child to interpret in
33 any of the following situations:

34 (1) To help determine a limited-English-proficient person's
35 primary language.

36 (2) To help ensure the receipt of language assistance.

37 (3) During routine and casual queries, including *those*
38 *involving* office hours or directions, or other matters that do not
39 involve the actual provision of the services of the business, or the
40 function of the agency, organization, entity, or program.

(4) During emergency situations affecting the immediate life, safety, health, or welfare of an individual when there are no other alternatives immediately available, so long as a competent interpreter is provided as soon as possible.

(f) For purposes of this section:

(1) “Child” means a person who is under the age of 18 years.

(2) “Established procedure for providing competent interpretation” means the provision of an in-person interpreter or bilingual staff member, or, at a minimum, a telephonic-based interpretation service or other interpretation resources that can be easily used by staff members to communicate effectively with limited-English-proficient *or deaf* persons. A state agency shall include a description of these procedures in its implementation plan submitted to the State Personnel Board pursuant to Section 7299.4 of the Government Code.

SEC. 15. Section 26.5 is added to the Welfare and Institutions Code, to read:

26.5. (a) Subject to subdivision (e), a state or local governmental agency, or a public or private agency, organization, entity, or program that receives state funding, may not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for providing competent interpretation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding ~~shall~~ *may* result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Established procedures to ensure that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

1 (d) The State Personnel Board may conduct investigations and
2 take all reasonable actions to effectuate the purposes of this section
3 with respect to state agencies.

4 (e) Nothing in this section shall prohibit an agency,
5 organization, entity, or program from using a child to interpret in
6 the following situations:

7 (1) To help determine a limited-English-proficient person's
8 primary language.

9 (2) To help ensure the receipt of language assistance.

10 (3) During routine and casual queries, including *those*
11 *involving* office hours or directions, or other matters that do not
12 involve the actual provision of the services of the business, or the
13 function of the agency, organization, entity, or program.

14 (4) During emergency situations affecting the immediate life,
15 safety, health, or welfare of an individual when there are no other
16 alternatives immediately available, so long as a competent
17 interpreter is provided as soon as possible.

18 (f) For purposes of this section:

19 (1) "Child" means a person who is under the age of 18 years.

20 (2) "Established procedure for providing competent
21 interpretation" means the provision of an in-person interpreter or
22 bilingual staff member, or, at a minimum, a telephonic-based
23 interpretation service or other interpretation resources that can be
24 easily used by staff members to communicate effectively with
25 limited-English-proficient *or deaf* persons. A state agency shall
26 include a description of these procedures in its implementation
27 plan submitted to the State Personnel Board pursuant to Section
28 7299.4 of the Government Code.

